

**MINUTES OF THE  
LEGISLATIVE PROCESS COMMITTEE**

Wednesday, June 27, 2001 - 1:00 p.m. – Room 305 – State Capitol

**Members Present:**

Rep. Ron Bigelow, House Chair  
Sen. D. Edgar Allen  
Rep. Patrice M. Arent  
Rep. Ben C. Ferry  
Rep. Brent H. Goodfellow  
Rep. Bradley T. Johnson

**Member Excused:**

Sen. Leonard M. Blackham, Senate Chair

**Staff Present:**

Mr. Stewart E. Smith,  
Managing Research Analyst  
Mr. John L. Fellows,  
Associate General Counsel  
Ms. Glenda S. Whitney,  
Legislative Secretary

**Member Absent:**

Sen. Terry Spencer

**Note:** A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order**

Chair Bigelow called the meeting to order at 1:13 p.m.

**2. Committee Business**

**MOTION:** Rep. Arent moved to approve the minutes of the May 16, 2001 meeting. The motion passed unanimously.

**3. Discussion with Legislative Compensation Commission**

Chair Bigelow noted that the Legislative Compensation Commission invited the Legislative Process Committee to come to an informal discussion regarding legislators' compensation issues in room 223 at 1:30 p.m. The committee dismissed at 1:32 p.m. and reconvened at 2:28 p.m. Minutes from the Legislative Compensation Commission meeting regarding this item, will be distributed to the Legislative Process Committee.

**4. Mini-appropriation Process**

Mr. Stewart Smith, Managing Research Analyst, reviewed from the mailing packet "Report to Executive Appropriation Committee from the Office of the Legislative Fiscal Analyst," which addressed the issue of the mini-appropriation process. Mr. Smith summarized from the report the subcommittee's appropriation requests, actions, and recommendations for the 2002 General Session. He indicated that the process worked well once it was understood by the various committees and suggested that more education to the process may be helpful in the future.

Mr. John Massey, Legislative Fiscal Analyst Office, reviewed the suggestions for improvements from the report and answered questions of the committee. He referred to the form

in the mailing packet "Request for Appropriation - JR-4.22.1," that was revised last year, and reviewed instructions for the request.

After committee discussion on the mini-appropriation process, the committee made the following motions:

**MOTION:** Rep. Johnson moved to require all bills to go through the standing committees and all requests for appropriations to go through the appropriation subcommittees. Also, for the rules committee to make those assignments.

Rep. Johnson requested that any strictly appropriation request not be drafted into a bill but be deferred to an appropriation request. He said the legislature should enforce the rules that are presently in place and advise legislators and the rules committee to encourage legislators to use the request for appropriation form rather than the bill request form. He said this would clarify so there is no question that anyone has on whether their bill goes to a standing committee or not.

Mr. Fellows explained that the rule on mini-appropriations already addresses Rep. Johnson's concern. He said that last year, because the process was implemented after there were already several mini-appropriations bills drafted, did not provide a good history for how this process is going to work.

**SUBSTITUTE MOTION:** Rep. Ferry moved to recommend to the body a rule expanding the authority of the rules committee to make assignments of appropriation requests to appropriation subcommittees. The motion failed, with Rep. Ferry voting in favor of the motion.

The committee returned to Rep. Johnson's original motion.

**SUBSTITUTE MOTION:** Rep. Goodfellow moved to move to the next item on the agenda and let the process work for another year because it is still in the trial stages. The motion passed, with Rep. Johnson voting in opposition to the motion.

## **5. Ways and Means Committee**

Mr. Mark Steinegal, Office of Legislative Research and General Counsel, distributed a handout of his slide presentation "Legislative Budgetary Process." He presented a comparison of a single Ways and Means Appropriations Committee format with the Subcommittee Executive Appropriations format. He reviewed briefly the presentation made by the Fiscal Analyst Office at a previous meeting regarding a single Ways and Means Committee. He compared states that have the single committee format with those that do not. Mr. Steinegal concluded by summarizing the advantages and disadvantages of a single Ways and Means Committee format.

## **6. Committee Notes on Bills**

Mr. Stewart Smith distributed handouts relating to the topic of placing committee recommendations on bills. Mr Smith referred the committee to Legislative Joint Rule 4.22 which requires the Director of the Office of Legislative Research and General Counsel to note on any bill reviewed by an interim committee its recommendation. Mr. Smith said that the current interpretation of this rule is based on an interpretation by the four-member Research and General Counsel Subcommittee, who, in September 1993 interpreted this rule to include only the “traditional interim committees” which meet on the third Wednesday of the month and also the Quasi-governmental Entities Committee. Other committees, task forces, and commissions, regardless of whether the membership is comprised of all legislators, may not place a recommendation on a bill.

Mr. Smith discussed the status of the 33 committees functioning during this interim. He distributed a table showing the number of legislative and non legislative members on each committee, task force, and commission and whether or not the committee has authority to place a note on a bill. Thirteen committees currently have the authority to place a note on a bill. Of the remaining 20 committees, eleven have all legislative members and nine have some non legislative members.

Mr Smith discussed the issues of fairness and clarity of the rule and presented some options to the committee for consideration.

**MOTION:** Rep. Arent moved that committees, commissions, and task forces, on which only legislative members serve, be allowed to put a committee note on any legislation they review and that other committees be allowed to put a note on a bill that they have reviewed, but that note would indicate that the committee has non-legislative members so the legislature would know who is recommending the bill.

Rep. Arent amended her motion to ask staff to draft proposed rules for the next meeting that would provide a way to get information to legislators about these various committees and recommendations. The rules would distinguish between those with legislative and eliminate non-legislative members and the proposal would allow purely legislative committees to have their bills go directly to the floor. The motion passed unanimously.

## **7. Legislative Review Notes**

Mr. John Fellows, Associate General Counsel, said this issue was an interim study item that was referred to the Legislative Process Committee by the Legislative Management Committee. He distributed a handout "Constitutional Notes on Bills," and discussed if the Legislature or the Office of Legislative Research and General Counsel should establish a process to revise legislative review notes (constitutional notes) when the note would change because of amendments or substitutions. He reviewed legislative review notes, what happens if the bill is amended, and what happens if the bill is substituted. He suggested that the committee decide what sort of practice they would like and then the rules can be amended to reflect that practice.

Rep. Goodfellow expressed concern that the Legislature delegating their authority and responsibility to the Judiciary when they do not have an opinion on an issue. He said the Legislature should make sure that when laws are passed that they have an opinion rather than letting the courts make the decision on the law. He said there should be a separation of powers regarding legislative laws.

**MOTION:** Sen. Allen moved to recommend the drafter use his judgement on putting on a note, whether it is a substitute bill, an amendment, or the initial bill, if they think there is a constitutional concern. The motion passed unanimously.

## **8. Other Items**

Chair Bigelow noted the next Legislative Process Committee will meet on Wednesday, August 22, 2001 at 9:00 a.m. in room 305.

## **9. Adjourn -**

**MOTION:** Sen. Allen moved to adjourn the meeting at 4:03 p.m. The motion passed unanimously.